

## SENATE BILL No. 188

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2-14; IC 16-38.

**Synopsis:** Birth problems registry and cancer registry. Allows the state department of health to record nonmalignant tumors and diseases in the cancer registry. Requires ambulatory outpatient surgical centers and health facilities to report to the cancer registry. Allows the state department to inspect certain patient records. Changes the date by which the state department must publish an annual report to December 31. Includes autism and other neurological disorders as birth problems. Changes the age at which a birth problem may be recognized in a child to five years of age.

**Effective:** July 1, 2004.

**Gard**

January 6, 2004, read first time and referred to Committee on Health and Provider Services.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## SENATE BILL No. 188

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A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 16-18-2-14 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 14. "Ambulatory  
3       outpatient surgical center", for purposes of IC 16-21 **and IC 16-38-2**,  
4       means a public or private institution that meets the following  
5       conditions:

6               (1) Is established, equipped, and operated primarily for the  
7               purpose of performing surgical procedures and services.

8               (2) Is operated under the supervision of at least one (1) licensed  
9               physician or under the supervision of the governing board of the  
10              hospital if the center is affiliated with a hospital.

11              (3) Permits a surgical procedure to be performed only by a  
12              physician, dentist, or podiatrist who meets the following  
13              conditions:

14                      (A) Is qualified by education and training to perform the  
15                      surgical procedure.

16                      (B) Is legally authorized to perform the procedure.

17                      (C) Is privileged to perform surgical procedures in at least one



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(1) hospital within the county or an Indiana county adjacent to the county in which the ambulatory outpatient surgical center is located.

(D) Is admitted to the open staff of the ambulatory outpatient surgical center.

(4) Requires that a licensed physician with specialized training or experience in the administration of an anesthetic supervise the administration of the anesthetic to a patient and remain present in the facility during the surgical procedure, except when only a local infiltration anesthetic is administered.

(5) Provides at least one (1) operating room and, if anesthetics other than local infiltration anesthetics are administered, at least one (1) postanesthesia recovery room.

(6) Is equipped to perform diagnostic x-ray and laboratory examinations required in connection with any surgery performed.

(7) Does not provide accommodations for patient stays of longer than twenty-four (24) hours.

(8) Provides full-time services of registered and licensed nurses for the professional care of the patients in the postanesthesia recovery room.

(9) Has available the necessary equipment and trained personnel to handle foreseeable emergencies such as a defibrillator for cardiac arrest, a tracheotomy set for airway obstructions, and a blood bank or other blood supply.

(10) Maintains a written agreement with at least one (1) hospital for immediate acceptance of patients who develop complications or require postoperative confinement.

(11) Provides for the periodic review of the center and the center's operations by a committee of at least three (3) licensed physicians having no financial connections with the center.

(12) Maintains adequate medical records for each patient.

(13) Meets all additional minimum requirements as established by the state department for building and equipment requirements.

(14) Meets the rules and other requirements established by the state department for the health, safety, and welfare of the patients.

SECTION 2. IC 16-38-2-1, AS AMENDED BY P.L.93-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) The state department shall establish a cancer registry for the purpose of:

(1) recording:

**(A) all cases of malignant disease; and**

**(B) other tumors and precancerous diseases specified by**

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1           **the state department;**  
 2           that are diagnosed or treated in Indiana; and  
 3           (2) compiling necessary and appropriate information concerning  
 4           those cases, as determined by the state department;  
 5       in order to conduct epidemiologic surveys of cancer and to apply  
 6       appropriate preventive and control measures.

7       (b) The department may contract for the collection and analysis of,  
 8       and the research related to, the epidemiologic data compiled under this  
 9       chapter.

10       SECTION 3. IC 16-38-2-3 IS AMENDED TO READ AS  
 11       FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) The following  
 12       persons shall report **to the cancer registry** each confirmed case of  
 13       cancer ~~to the cancer registry~~; **and other tumors and precancerous**  
 14       **diseases specified by the state department:**

- 15           (1) Physicians.
- 16           (2) Dentists.
- 17           (3) Hospitals.
- 18           (4) Medical laboratories.
- 19           **(5) Ambulatory outpatient surgical centers.**
- 20           **(6) Health facilities.**

21       (b) A person required to report information to the state cancer  
 22       registry under this section may utilize, when available:

- 23           (1) information submitted to any other public or private cancer  
 24           registry; or
- 25           (2) information required to be filed with federal, state, or local  
 26           agencies;

27       when completing reports required by this chapter. However, the state  
 28       department may require additional, definitive information.

29       SECTION 4. IC 16-38-2-3.5 IS ADDED TO THE INDIANA CODE  
 30       AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 31       1, 2004]: **Sec. 3.5. The state department shall have access to patient**  
 32       **records relating to:**

- 33           **(1) malignant disease; and**
- 34           **(2) other tumors and precancerous diseases specified by the**  
 35           **state department;**
- 36       **that are maintained by persons listed in section 3(a) of this chapter.**

37       SECTION 5. IC 16-38-2-11, AS ADDED BY P.L.93-2001,  
 38       SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39       JULY 1, 2004]: Sec. 11. Not later than ~~July~~ **December 31** of each  
 40       year, the department shall publish and make available to the public an  
 41       annual report summarizing the information collected under this chapter  
 42       during the previous calendar year.

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SECTION 6. IC 16-38-4-1, AS AMENDED BY P.L.93-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. As used in this chapter, "birth problems" means one (1) or more of the following conditions:

- (1) A structural deformation.
- (2) A developmental malformation.
- (3) A genetic, inherited, or biochemical disease.
- ~~(4) Birth weight less than two thousand five hundred (2,500) grams.~~
- ~~(5) (4)~~ (4) A condition of a chronic nature, including central nervous system hemorrhage or infection of the central nervous system, that may result in a need for long term health care.
- ~~(6) Stillbirth.~~
- (5) Autism and other neurological disorders.**
- ~~(7) (6)~~ (6) Any other severe disability that is:
  - (A) designated in a rule adopted by the state department; and
  - (B) recognized in a child after birth and before the child becomes ~~two (2)~~ **five (5)** years of age.

SECTION 7. IC 16-38-4-8, AS AMENDED BY P.L.11-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. (a) The state department shall establish a birth problems registry for the purpose of recording all cases of birth problems that occur in Indiana residents and compiling necessary and appropriate information concerning those cases, as determined by the state department, in order to:

- (1) conduct epidemiologic and environmental studies and to apply appropriate preventive and control measures;
- (2) inform the parents of children with birth problems:
  - (A) at the time of discharge from the hospital; or
  - (B) if a birth problem is diagnosed during a physician or hospital visit that occurs before the child is ~~two (2)~~ **five (5)** years of age, at the time of diagnosis;
- about physicians, care facilities, and appropriate community resources, including local step ahead agencies and the infants and toddlers with disabilities program (IC 12-17-15); or
- (3) inform citizens regarding programs designed to prevent or reduce birth problems.

- (b) The state department shall record in the birth problems registry:
  - (1) all data concerning birth problems of children that are provided from the certificate of live birth; and
  - (2) any additional information that may be provided by an individual or entity described in section 7(a)(2) of this chapter

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concerning a birth problem that is:

(A) designated in a rule adopted by the state department; and

(B) recognized:

(i) after the child is discharged from the hospital as a newborn; and

(ii) before the child is ~~two (2)~~ **five (5)** years of age.

(c) The state department shall:

(1) provide a physician and a local health department with necessary forms for reporting under this chapter; and

(2) report to the legislative council any birth problem trends that are identified through the data collected under this chapter.

SECTION 8. IC 16-38-4-9, AS AMENDED BY P.L.93-2001, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. (a) Nurse midwives and individuals and entities described in section 7(a)(2) of this chapter shall report each confirmed case of a birth problem that is recognized at the time of birth to the registry not later than sixty (60) days after the birth. An individual or entity described in section 7(a)(2) of this chapter who recognizes a birth problem in a child after birth but before the child is ~~two (2)~~ **five (5)** years of age shall report the birth problem to the registry not later than sixty (60) days after recognizing the birth problem. Information may be provided to amend or clarify an earlier reported case.

(b) A person required to report information to the registry under this section may use, when completing reports required by this chapter, information submitted to any other public or private registry or required to be filed with federal, state, or local agencies. However, the state department may require additional, definitive information.

(c) Exchange of information between state department registries is authorized. The state department may use information from another registry administered by the state department. Information used from other registries remains subject to the confidentiality restrictions on the other registries.

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